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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,443	05/31/2001	Hyun-Joon Kim	2080-3-08	2099
35884	7590	01/07/2005	EXAMINER	
LEE, HONG, DEGERMAN, KANG & SCHMADEKA, P.C. 801 SOUTH FIQUEROA STREET 14TH FLOOR LOS ANGELES, CA 90017			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,443	Applicant(s) KIM, HYUN-JOON	
	Examiner Jerome Grant II	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-17, 19, 20 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 7, 8, 10-13, 16, 17, 19, 20 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Abrishami.

With respect to claim 1, Abrishami teaches a method of communicating between a first user having a first communication device (11-1) and a second user having a second comm.. device (11-2) using a comm. Control system (shown by figure 1) over a communication network (Internet 18) wherein the comm.. control system provides a plurality of options (high bandwidth or low bandwidth communications) the method comprising the steps of: the communication control system receiving from the first communication device a request indicating that the first user has requested contacting the second user through the communication network using a first communication option from the plurality of communication options (see paragraph 51 concerning transmission at different rates to assure maximum communication efficiency). Abrishami

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teaches the control system interfacing with the second device to determine whether the second device is available to communicate using the first option, (using RTN signals after each message in confirmation after the reception of the MCF signal). Abrishami teaches the control system checking transmission delay of the communication network to determine whether an optimum communication may be achieved using the first option (system monitors delay and jitters, see para. 51, the first two lines and last four lines. Abrishami teaches the control system communicating with the second device using a the second option of the first option is not feasible due to transmission anomalies. This limitation is addressed by means of transmitting at a first or slower rate to accommodate the receiving machine's capabilities.

With respect to claims 4 and 16, Abrishami teaches a plurality of communication options, such as audio communication via circuit 10-1, chatting by circuit 12-1, e-mails by circuit 12-1 and fax by means of circuit 11-1.

With respect to claims 5 and 17, see paragraph 51.

With respect to claims 7 and 19, the first and second devices include an analog phone 10-1.

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With respect to claims 8 and 20, Abrishami teaches where the analog telephone is connected to the communication network 15 through gateway media 14-1.

With respect to claims 10 and 22, Abrishami teaches a voice communication option (via phone 10-1) and the second option is chatting 12-1 whereby a computer can be attached thereto for facilitating alphanumeric data transmission.

With respect to claims 11 and 23, this claim limitation is suggested by paras. 43, 45, 50 and 51

With respect to claims 12 and 24, Abrishami teaches the claim limitation which is suggested by paragraphs 43, 45, 50 and 51.

With respect to claim 13, Abrishami teaches a communication control system (see figure 1) for communicating between a first user having a first communication device (11-1) and a second user having a second communication device 11-2 over a communication network 15, the communication control system comprising:

A communication option module (PBX 13-1) executable in the control sys. To provide a plurality of comm. Options to the first user... a first user interface module (keypad of fax 11-1, inherent) executable in the communication system to respond to the requests received from the first communication device; the

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comm.. module (relay protocol 36 and bandwidth adaptor) of gateway 14-1 for selecting a first option from the (first or second bandwidth) from the plural comm.. options in response to a request received from the first device; a transmission status check module (gateway 14-1 or 14-2) for determining whether a transmission anomaly of the communication network is over predetermined levels (see para. 45); the communication option module (bandwidth adaptor 32 and relay 36 of the gateway 14-1 or 14-2) for selecting a second communication option of the transmission status check module determines that the transmission anomaly is over the predetermined levels; and second user interface module (keypad on fax 11-2) executable for selecting a second comm.. option of the transmission status check module determines that the transmission anomaly is over predetermined levels; and second user interface module executable in the communication control system (keypad of fax 11-2) to interface with the second device 11-2 through a comm . option determined by a comm. option module. communication control system.

With respect to claim 25, Abrishami teaches a communication system (see figure 1) for communicating between a first user and a second user through a communication network 15, the communication system comprising; a first communication device (fax 11-1) operable by the first user connected to the communication network; a second device (fax 11-2) connected to the communication network comprising:

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Abrishami teaches a communication control system (see figure 1) for communicating between a first user having a first communication device (11-1) and a second user having a second communication device 11-2 over a communication network 15, the communication control system comprising:

A communication option module (PBX 13-1) executable in the control system to provide a plurality of comm. Options to the first user... a first user interface module (keypad of fax 11-1, inherent) executable in the communication system to respond to the requests received from the first communication device; the comm.. module (relay protocol 36 and bandwidth adaptor) of gateway 14-1 for selecting a first option from the (first or second bandwidth) from the plural comm.. options in response to a request received from the first device; a transmission status check module (gateway 14-1 or 14-2) for determining whether a transmission anomaly of the communication network is over predetermined levels (see para. 45); the communication option module (bandwidth adaptor 32 and relay 36 of the gateway 14-1 or 14-2) for selecting a second communication option of the transmission status check module determines that the transmission anomaly is over the predetermined levels; and second user interface module (keypad on fax 11-2) executable for selecting a second comm.. option of the transmission status check module determines that the transmission anomaly is over predetermined levels; and second user interface module executable in the communication control system (keypad of fax 11-2) to interface with the second device 11-2 through a comm . option determined by a comm. option module. communication control system.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrishami in view of Kim.

With respect to claims 2 and 14, Abrishami teaches all of the subject matter upon which the claim depends except for providing a plurality of options over a website.

Kim teaches providing voice and fax data over the Internet, see col. 4, lines 4-14. Kim teaches the information sent over the Internet could be command data or report data.

Since, Abrishami and Kim are both directed toward a control system having two communication means, the purpose of using the Internet to send a report is contemplated by Kim because the report information, according to col. 4, beginning at line 60, is sent over the Internet. It would have been obvious to one of ordinary skill in the art to modify the circuit of figure 1 of Abrishami to send

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information to a second user using the web, clearly taught by Kim, for using a different path to alert a second user of anomalies in transmission.

With respect to claims 3 and 15, Kim teaches FIFO memories 88 and 98 for storing the voice and fax data as claimed, see also col. 6, lines 23-30.

Abrishami teaches a buffer (see para. 45) for storing voice and digital data.

3.

Claims Objected

Claim 6, 9, 18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "J. Grant II", is written over a faint, dotted rectangular box.

J. Grant II